IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVN. APPLICATION NO.464 OF 2006

Mr. Gajanan Rajaram Pawar. ... Applicant.

V/s.

The State of Maharashtra. ... Respondents.

Mr. P.J. Pawar for the Applicant.

Mr. Y.M. Nakhawa, APP for the State.

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CORAM : S.C. DHARMADHIKARI,J.

14TH DECEMBER 2006.

P.C. :

1. Heard Shri Pawar appearing for the Applicant and learned A.P.P. for the State.

2. Despite his immense persuasive skills, I am not inclined to interfere in Revisional Jurisdiction with concurrent finding of fact recorded by Courts below. The Applicant accused has been convicted of an offence punishable under Section 184 of Motor Vehicles Act, which takes care of offence under Section 279 of the Indian Penal Code. The sentence is till rising of the Court and a fine of Rs.4000/- for both. Thus, he has been convicted under Section 184 of the Motor Vehicles Act and under Section 279 of the Indian Penal Code with the sentence to suffer imprisonment as above and pay nominal fine.

3. The material produced indicate that the Applicant took risk of driving a vehicle for the first time and accident occurred in the night on a busy road. According to him, it was driven at a moderate speed. However, Courts below have found that the version of the injured witnesses, the person who carried the injured to the hospital and the panch witness indicates that the vehicle left the road and dashed against a Banyan tree which is located towards the north direction. Considering the impact and the manner in which the vehicle was driven so also the Applicant venturing to drive it for the first time on the so called orders of the Superior Officer who were feeling sleepy, the accident took place and the Applicant has been rightly convicted and sentenced.

4. A police jeep was being driven by the Applicant after the driver felt sleepy. On his own showing he was not experienced. The incident took place at the night time injuring the Policeman in the vehicle. The injury certificates have also been seen by the Courts below and found to be reliable and trustworthy.

5. Considering the limits of the Revisional Jurisdiction, I am unable to accept the submission of Shri Pawar that the orders under challenge suffer from any serious legal infirmity and/or can be termed as perverse calling for interference in Revisional Jurisdiction.

6. Revision Application is summarily dismissed.

(S.C.Dharmadhikari,J.)